

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

REPUBLICAN NATIONAL COMMITTEE;
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS, *et al.*,

Defendants,

and

THE DEMOCRATIC NATIONAL
COMMITTEE,

Defendant-Intervenors.

Case No. 5:24-cv-547-M-RJ

**REPORT OF THE PARTIES' PLANNING MEETING
PURSUANT TO FED. R. CIV. P. 26(f)**

Plaintiffs, Defendants, and Defendant-Intervenors respectfully submit this report of their meeting pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.

1. The following persons participated in a Rule 26(f) conference on January 22, 2025, by email, in addition to several additional email negotiations occurring on January 27, 2025, February 7, 2025 and February 10, 2025.

For Plaintiffs:

Phil Strach
Jordan Koonts
John Branch
Tom Hooper

For Defendants:

Mary Carla Babb

Terence Steed
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For Intervenor-Defendants:

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2. Initial Disclosures. The parties will complete by, February 24, 2025,¹ the initial disclosures required by Rule 26(a)(1).
3. Discovery Plan. The parties propose this discovery plan:
 - a. Discovery will be needed on these topics:
 - i. The accuracy and maintenance of North Carolina's voter registrations lists insofar as it relates to the collection of or failure to collect registrants' driver's license numbers and the last four digits of their social security numbers as required by state and federal law;
 - ii. Defendant State Board of Election's ("State Board") voter registration practices, directives, and guidance offered to county boards of election regarding incomplete registration forms and forms which are or were returned without the registrants' driver's license numbers and the last four digits of their social security numbers as required by state and federal law;

¹ Pursuant to Rule 26(a)(1)(C) of the Federal Rules of Civil Procedure, the parties stipulate to a two-week extension to the general fourteen day initial disclosure deadline.

- iii. Defendant State Board's practices, directives, and guidance offered to county boards of election to collect missing information from registrants who return or returned incomplete registration forms;
 - iv. Defendant State Board's practices, directives, and guidance offered to county boards of election regarding ensuring the accuracy of the information received from registrants who returned incomplete registration forms;
 - v. Defendant State Board's practices, directives, and guidance offered to county boards regarding election integrity and specifically ensuring that only qualified persons possessing all information required by state and federal law are allowed to vote in future elections;
 - vi. Plaintiffs' basis for alleging that approximately 225,000 registered North Carolina voters did not provide social security numbers and driver's license numbers; and
 - vii. Legislative history and intent for all relevant statutory provisions.
- b. Discovery will commence on, February 24, 2025. The parties propose a October 13, 2025 discovery cutoff.²
 - c. Interrogatories and responses thereto will be governed by Rule 33.

² The parties note that counsel for Plaintiffs will be in several trials in three different states beginning the first week in February through the early September, including May 27-30 (*Crossborder Solutions, et al. v. Macias Gini and O'Connell, LLP*, 7:20-cv-04877 (SDNY)), May 5-9 (*ACCU Reference Medical Lab, LLC, v. Mako Medical Laboratories, LLC*, 21CVS005208-910 (Wake Sup. Ct.)), June 16-27 (*Williams, et al. v. Hall, et al.*, 1:23-cv-1057 (MDNC)), August 4-8 (*Democracy NC v. Hirsch*, 1:23CV878 (MDNC)), and August 25-September 5 (*Nairne v. Ardoin*, 3:22-CV-00178 (MDLA)). Counsel for State Board Defendants will similarly be in the trials for the *Williams*, and *Democracy NC* matters. Due to these trials and related pretrial deadlines parties do not anticipate conducting discovery during these time and have adjusted this report's timelines accordingly.

- d. Requests for admission and responses thereto will be governed by Rule 36, with the exception that each party be limited to twenty-five requests. A party may move to serve additional requests, as needed.
 - a. Requests for production and response thereto will be governed by Rule 34, with the exception that each party be limited to twenty-five requests. A party may move to serve additional requests, as needed.
 - b. Depositions will be governed by Rule 30.
 - c. Expert reports:
 - i. Plaintiffs' expert disclosures and reports shall be due on July 29, 2025.
 - ii. Defendants' and Intervenor-Defendant's expert disclosures and reports are due August, 28 2025.
 - iii. Plaintiffs' rebuttal expert reports are due September 11, 2025.
 - iv. The parties shall complete expert depositions by September 25, 2025.
 - d. The parties will meet and confer regarding an agreed ESI protocol.
 - e. The parties will meet and confer regarding an agreed protocol for clawback and any other issues regarding attorney-client privileged or other protected materials.
4. Other items:
- a. Given their agreement concerning this proposed joint discovery plan, the Parties do not believe a conference with the Court prior to the entry of the Scheduling Order is necessary.
 - b. The parties believe it is premature to set dates for pretrial conferences at this time.

- c. Plaintiff shall have until, March 26, 2025 to amend pleadings or join other parties and Defendants shall have thirty (30) days thereafter to amend pleadings or join other parties in response to any amended pleadings filed by Plaintiff.
- d. The parties shall have until November 12, 2025 to file dispositive motions
- e. The parties do not believe settlement is feasible at this stage, though the parties will make earnest efforts to abide by the Court's ADR Local Rule 101.1a(b) regarding mediation and other alternative dispute resolutions. The parties propose a mediation deadline of October 1, 2025.
- f. The parties propose submitting Fed. R. Civ. P. 26(a)(3) disclosures no later than thirty (30) days prior to trial.
- g. The parties propose that the deadline to file any objections under Fed. R. Civ. P. 26(a)(3)(B) be within fourteen (14) days after service of the disclosure to which the objection is being made.
- h. The parties cannot predict an approximate length of trial at this time and propose that potential estimates of length be addressed at a later date.. The parties propose a trial date of the week of January 20-23, 2026.

Respectfully submitted this, the 10th day of February, 2025.

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* Local Rule 83.1(e) special appearance

CERTIFICATE OF SERVICE

I hereby certify that I filed a true and accurate copy of the foregoing with the Clerk of Court via CM/ECF, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 10th day of February, 2025.

/s/ Jordan A. Koonts
Jordan A. Koonts